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Present: Ms. Meenu Mainee for the petitioner.
Ms. Geetanjali Mohan for the respondent.

+WP(C) No. 6839/2007 and CM Appl. No.12982/2007
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Rule DB.

Ms. Geetanjali Mohan accepts notice on behalf of the respondent. With the consent of counsel for the parties, we have finally heard the matter.

Departmental proceedings were initiated against the petitioner pursuant to which, penalty was imposed dismissing him from service. The petitioner challenged this order by filing OA before the Tribunal. That OA has been allowed by the Tribunal setting aside the dismissal order. However, at the same time the Tribunal has also given the direction that intervening period is not to be counted on duty. Challenging this direction contained in the order, present petition is filed.

The neat submission made by the learned counsel for the petitioner is whether the intervening period has to be treated on duty or not is a matter, which has to be decided by the disciplinary authority and there could not have been such a direction by the Tribunal. Learned counsel for the petitioner is

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right in her submission. The direction to the aforesaid effect contained in the impugned order is accordingly set aside. However, liberty is granted to the competent authority to pass appropriate orders in this behalf within three months from today.

A.K.SIKRI, J.

VIPIN SANGHI, J.

October 16, 2007
HP.